

Executor Murillo, Joel M. (Attorney/Executor)

Attorney Murphy, Christine M. (Deputy Attorney General – Objector)

## Motion to Termination Further Proceedings and Discharge of Personal Representative

<b>DOD: 04/15/05</b>		<p><b>JOEL MURILLO</b> was appointed Executor with Full IAEA without bond and Letters issued on 02/22/2006.</p> <p><b>Petitioner states:</b> in the petition for probate filed 08/26/2005, movant alleged that the value of the assets of decedent subject to probate administration was \$155,000.00. This allegations was based on the best evidence available that decedent died possessed of the real estate at 10651 Fantz, Del Rey, California (the said real estate), which was subject to administration. On June 25, 2014, a final Inventory and Appraisal was filed in this estate reflecting that property. However, the property described above is not now or was it on June 25, 2014, property that is subject to administration. The reason is that on 06/09/2014, in Fresno Superior Court case 14CEPR00329, the court Ordered on the Petition to Determine Succession to Real Property pursuant to Probate Code § 13151 that the said real estate passed to Angelita Garcia. Thus, the said real estate is no longer an asset of this estate, rendering moot the Inventory and Appraisal filed on 06/25/2014.</p> <p>Movant diligently searched for all assets of decedent but failed to discover any property of any kind belonging to the estate that is subject to administration.</p> <p>All costs, expenses, and premiums on surety bonds, incurred in the administration of the estate have been paid.</p> <p>A request for special notice was filed by the California Department of Health Services and notice of the time and place of hearing on this motion was given as required by law.</p> <p><b>Wherefore, movant prays:</b></p> <ol style="list-style-type: none"> <li>1. For an order terminating further proceedings for the administration of the estate.</li> <li>2. For an order to discharge the personal representative of the estate.</li> <li>3. For such other orders as the court may deem proper.</li> </ol> <p><u>Please see additional page</u></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note: A settlement agreement was signed 01/29/2016.</b></p> <p><b>Minute Order of 02/25/2016:</b> Ms. Murphy represents that she has filed a withdrawal and has no further objections to the discharge. Mr. Murrillo is to file proof of service of the motion.</p>	
<b>Cont. from 070215, 073015, 111215, 012116, 022516</b>				
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			
<input checked="" type="checkbox"/>	<b>Verified</b>			
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<input type="checkbox"/>	<b>Citation</b>			
<input type="checkbox"/>	<b>FTB Notice</b>			

Reviewed by: LV

Reviewed on: 04/05/2016

Updates:

Recommendation:

File 1 - Rodriguez

**Opposition to Motion to Terminate Further Proceedings and Discharge of Personal Representative filed 06/24/2015 by Christine M. Murphy, Deputy Attorney General**, states on May 27, 2015, the personal representative of decedent Elvira Rodriguez, Joel Murillo, filed a "Motion to Termination (sic) Further Proceedings and Discharge of Personal Representative". While the Department of Health Care Services (Department) was served with the motion, counsel for the Department was not and did not receive a copy of the motion until mid-June. Department opposes the granting of Motion on the grounds that the Judgment and Judgment Lien against petitioner Joel Murillo, as personal representative, has not been satisfied.

Department obtained a judgment against Joel Murillo, as representative of the Estate of Elvira Rodriguez, on August 9, 2009 in *Shewry v. Murrillo*, Fresno Superior Court Case No. 08CECG03103DRF. Attached here to as Exhibit A is a copy of the Notice of Entry of Judgment and Judgment in that case. Subsequently, a Judgment Lien was recorded against the estate property of decedent at 10651 E. Fantz Ave. Del Rey, California, 93616 (Estate Property). Attached hereto as Exhibit B is a copy of the Judgment lien. The lien remains on the estate property and has not been satisfied by the petitioner.

After the filing of the judgment lien, Joel Murillo initiated another action to probate the estate property of the decedent Elvira Rodriguez. (Matter of Elvira Rodriguez, Fresno Superior Court, Case No. 14CEPR00329.) In the later action, the Court issued an order dated 06/09/2014, determining that the estate property of Elvira Rodriguez succeed to the beneficiary of the Will, Angelita Garcia.

Department opposes the granting of the present motion on the grounds that the judgment against petitioner Joel Murillo, as personal representative in the above-entitled matter, and the judgment lien, have not been satisfied. Thus, any order of discharge would not be appropriate without satisfaction of the judgment and lien.

Further, denial of the motion to discharge Joel Murillo, as personal representative, will preserve the Department's claim and avoid further litigation. Department is concerned that because of the multiple proceedings probating the estate property there may be a later challenge by Angelita Garcia to the legitimacy of the Department's lien against the Estate Property. The Department wants to avoid the need for a Court action pursuant to Welfare and Institutions Code section 14009.5 against Angelita Garcia as a recipient of estate property or an action for payment from the personal representative. Thus, the Department respectfully requests that the Court deny the motion seeking to terminate further proceedings and to discharge Joel Murillo as personal representative until the judgment is satisfied by either settlement involving the beneficiary of the Estate Property, recognition of the lien by Angelita Garcia, or payment of the Department's claim.

Also, the parties are presently in settlement discussions regarding the satisfaction of the Department's Judgment and lien. Department, thus, requests that the Court continue this motion to allow for the entry of a settlement agreement addressing the issues raised by the outstanding judgment and requests a continuance until at least August 14, 2015 for the drafting of said settlement agreement.

For the foregoing reasons, Department respectfully requests the Court deny the motion or, in the alternative, continue the motion to allow for the entry of settlement agreement.

## Probate Status Hearing RE: Removal of Co-Conservator(s)

		<p><b>BARBARA CASTRO and JESSICA BURNETT,</b> Daughters, are Co-Conservators of the Person. <b>BARBARA CASTRO</b> is sole Conservator of the Estate.</p> <p>On 1/13/16, the Court set this status hearing re: removal of co-conservator(s).</p> <p>Court Investigator Jennifer Young filed a report on 2/8/16.</p> <p>A Status Report was filed 1/13/16 by Co-Conservator Barbara Castro. Ms. Castro states she and her sister Jessica were appointed co-conservators of the person and estate on 1/19/07. On 11/1/11, the Court on its own motion removed Jessica as co-conservator of the estate and appointed Ms. Castro as sole conservator of the estate.</p> <p style="text-align: center;"><b><u>SEE PAGE 2</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b><u>Minute Order 2/25/16:</u></b> The Court grants one continuance due to Jessica Burnett's absence and possible work conflict. The Court orders Jessica Burnett to be personally present in court or appear via CourtCall on 4/7/16.</p> <p><b><u>Note:</u></b> As of 4/5/16, nothing further has been filed in connection with this hearing.</p> <p><b><u>Note:</u></b> On 4/4/16, the status hearing re filing the Fourth Account was continued to 5/2/16.</p>	
Cont. from 022516				
	Aff.Sub.Wit.			
✓	Verified			
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	Letters			
	Duties/Supp			
	Objections			
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	CI Report			
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	Aff. Posting			
	Status Rpt			
	UCCJEA			
	Citation			
	FTB Notice			
			<p><b>Reviewed by:</b> skc</p> <p><b>Reviewed on:</b> 4/5/16</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 2- Castro</b></p>	

## Page 2

**Ms. Castro states** Jessica has not consistently visited their dad since 2010, has not involved herself with any of his birthdays or holidays. There was a time where almost two years went by without visitation. If she does visit, it's because their mother encourages and drives her. Mr. Castro's health has improved dramatically since being admitted to Care Meridian. There have been very few problems or concerns regarding his stability of his health. Staff and his doctor encourage participation in outings scheduled by the activity director. Mr. Castro has been on several community outings and appears to respond well each time, including to the movies, the zoo, luaus, the fair, parks, parties, and the mall.

Staff has informed Ms. Castro that Fashion Fair Mall is an outing he responds to the most. They go in the morning when it is calm. Ms. Castro states staff informed her that Jessica does not agree with him going to the mall, and informed staff that her father would be embarrassed for people to see him out in public. She also expressed concerns about germs. Staff has honored her wishes for the time being.

Ms. Castro states Jessica has never attended any of their father's Care Meridian care plan meetings and staff has expressed that they are not comfortable communicating with her as she is rude and almost every conversation is confrontational.

Since Jessica's removal as co-conservator of the estate, there have been numerous complaints made to Ms. Castro by care staff about her sister countermanding Ms. Castro's decisions regarding their father's care, including regarding administration of a flu shot due to his condition and history of reoccurring pneumonia, shaving products, and care needs. Ms. Castro details an incident where Mr. Castro had an ingrown toenail that required removal, but could not schedule removal for almost four days due to Jessica failing to follow up with staff.

Ms. Castro states her sister does not speak to her and has not for some time. She tried communicating with her re their father's care, but she has chosen not to communicate. Ms. Castro states her sister has engaged in various conduct that has caused her to stop trying to communicate. See status report re details of various incidents.

Ms. Castro states she is unsure how to proceed and seeks direction from the Court.

<b>DOD: 11/04/2007</b>		<b>PUBLIC ADMINISTRATOR</b> , is petitioner.  <b>Petitioner states:</b> <ul style="list-style-type: none"> <li>Petitioner was appointed Administrator of the decedent's estate on 03/23/2009.</li> <li>Letters of Administration were issued that same date, authorizing administration under IAEA.</li> <li>Decedent left no Will disposing of property.</li> <li>Petitioner has performed all duties required in the administration of the estate of the decedent. The estate was administered under the Independent Administration of Estate Act. The estate is in a condition to be closed.</li> <li>The following creditors' claims were submitted against the estate: <ul style="list-style-type: none"> <li>Fresno City Attorney's Office in the amount of \$12,012.00.</li> <li>Grancare, LLC (Florin Healthcare Center) in the amount of \$14,390.23 + interest.</li> <li>Dept. of Health Care Services in the amount of 193,734.76.</li> </ul> </li> <li>A final Inventory and Appraisal was filed by petitioner showing the value of the estate to be \$54,000.00 consisting of real property.</li> <li>The decedent was survived by his daughter, Kathy Davis.</li> <li>The statutory fees for petitioner and her attorney would be \$100 each. However, there is no estate from which to pay them.</li> <li>The filing fee for the original petition for probate filed in 2009 is \$350. There is also a certification fee owing of \$46.50 for letters of administration. Petitioner has only \$177.75 on hand. She proposes to pay that amount to the Fresno County Superior Court clerk as partial payment of the above fees.</li> </ul>	<b>NEEDS/PROBLEMS/COMMENTS:</b>	
<b>Cont. from</b>				
	<b>Aff.Sub.Wit.</b>			
✓	<b>Verified</b>			
✓	<b>Inventory</b>			
	<b>PTC</b>			
	<b>Not.Cred.</b>			
✓	<b>Notice of Hrg</b>			
✓	<b>Aff.Mail</b>			
	<b>Aff.Pub.</b>			
	<b>Sp.Ntc.</b>			
	<b>Pers.Serv.</b>			
	<b>Conf. Screen</b>			
✓	<b>Letters</b> 3/23/09			
	<b>Duties/Supp</b>			
	<b>Objections</b>			
	<b>Video Receipt</b>			
	<b>CI Report</b>			
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✓	<b>Order</b>			
	<b>Aff. Posting</b>			
	<b>Status Rpt</b>			
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	<b>Citation</b>			
	<b>FTB Notice</b>			
				<b>Reviewed by:</b> LV <b>Reviewed on:</b> 04/05/2016 <b>Updates:</b> <b>Recommendation:</b> <b>File 3- Simpson</b>

Wherefore, petitioner, prays that:

1. The final account prepared herewith be settled, allowed and approved as filed, and all acts and proceeds of petitioner as administrator be confirmed and approved;
2. Petitioner be directed to pay the \$177.75 on hand to the Fresno County Superior Court; and
3. For such other and further orders as the Court considers just and proper.

**4 Adam Carbajal Special Needs Trust Case No. 10CEPR00612****Attorney Horton, Lisa M. (for Maria Alvarez-Garcia, Trustee)****Probate Status Hearing Re: Filing of the Fourth Account**

		<b>MARIA ALVAREZ-GARCIA</b> , Maternal Grandmother, is Trustee.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Minute Order of 03/17/2016: Counsel requests a brief continuance to complete the accounting. No appearance is necessary at the Status Hearing if the petition is filed at least two court days prior.</b>  1. Need Fourth Account or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
		The 3rd account was settled on 04/16/2015.	
<b>Cont. from 031716</b>		Notice of Status Hearing filed 08/03/2015 set this Status Hearing for the Filing of the 4 <sup>th</sup> Account.	<b>Reviewed by:</b> LV <b>Reviewed on:</b> 04/05/2016 <b>Updates:</b> <b>Recommendation:</b> <b>File 4- Carbajal</b>
<b>Aff.Sub.Wit.</b>		Clerk's Certificate of Mailing indicates that Attorney Lisa Horton was mailed a copy of the Notice of Status of Hearing on 08/03/2015.	
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
<b>Notice of Hrg</b>			
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<b>CI Report</b>			
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<b>Order</b>			
<b>Aff. Posting</b>			
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<b>Citation</b>			
<b>FTB Notice</b>			

## Probate Status Hearing RE: Filing of the Fifth Account

		<b>PERINE &amp; DICKEN</b> , Professional Fiduciaries, is Trustee.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		Fourth Account for the account period ending 1/13/15 was approved on 5/14/15.	1. <b>Need fifth account or current written status report</b> pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from</b>		Minute order dated 5/14/15 set this status hearing for the filing of the fifth account.	
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
<b>PTC</b>			
<b>Not.Cred.</b>			
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<b>Letters</b>			
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<b>CI Report</b>			
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<b>Order</b>			
<b>Aff. Posting</b>			
<b>Status Rpt</b>		<b>Reviewed on:</b> 4/5/16	
<b>UCCJEA</b>		<b>Updates:</b>	
<b>Citation</b>		<b>Recommendation:</b>	
<b>FTB Notice</b>		<b>File 5- Diaz</b>	

**6 Alexis Cedano, Victor Cedano, Gabriel Cedano, Noah Cedano, Jayden Cedano, Reyna Cedano, Victoria Cedano, Jonah Cedano (GUARD/P)**  
**Case No. 11CEPR00795**

Petitioner: Jennifer Cedano (pro per)

**Petition for Visitation**

		<b>JENNIFER CEDANO</b> , mother, is petitioner.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>RAUL PALLARES, JR.</b> paternal cousin, was appointed as guardian of Noah and Gabriel on 11/16/11	<b>This petition is as to NOAH and GABRIEL only.</b>
<b>Cont. from</b>		Please see petition for details.	1. Need Notice of Hearing.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		2. Need Proof of service of the Notice of Hearing on: a. Raul Pallares, JR. (guardian) b. Noah Cedano (minor) c. Gabriel Cedano (minor)
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
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<input type="checkbox"/>	<b>Notice of Hrg</b>	X	
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<input type="checkbox"/>	<b>Aff. Posting</b>		<b>Reviewed by:</b> KT
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<input type="checkbox"/>	<b>Citation</b>		<b>Recommendation:</b>
<input type="checkbox"/>	<b>FTB Notice</b>		<b>File 6- Cedano</b>



Atty Renge, Lawson K. (for Betty Phillips and Rose Lee Little – sisters/co-executors)

## Probate Status Hearing Re: Filing of the First Account and/or Petition for Final Distribution

<b>DOD: 11/26/12</b>	<b>BETTY PHILLIPS</b> and <b>ROSE LEE LITTLE</b> , sisters, were appointed Co-Executors with full IAEA and without bond on 06/11/13. Letters Testamentary were issued on 06/11/13.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>Continued from 10/22/2015.</b></u>  <u><b>Note for background:</b></u> Minute Order dated 9/24/2015 from the last hearing states the default in Case 14CECG02269 is still being processed; case management has continued the matter to 12/14/2015.
<b>Cont. from 080814, 102314, 012115, 042215, 062415, 070915, 092415, 102215</b>	Inventory & Appraisal, partial no. 1, filed 02/13/14 - <b>\$615,000.00</b>  Inventory & Appraisal, final, filed 07/17/14 - <b>\$63,096.95</b>	
<b>Aff.Sub.Wit.</b>		<ol style="list-style-type: none"> <li>1. Court records do not show proof of service of the <i>Status Report Re Final Distribution</i> filed 4/1/2016 served to all interested parties, pursuant to Local Rule 7.5(B).</li> <li>2. Need First Account and/or Petition for Final Distribution.</li> </ol>
<b>Verified</b>		
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<b>PTC</b>		
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<b>Aff.Mail</b>	X	
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<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
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<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
✓ <b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		

**8 Leah Michelle Sanders (GUARD/PE) Case No. 14CEPR00952**

Guardian Kerr, Rebecca (pro per – maternal aunt)

**Probate Status Hearing RE: Filing of the Receipt for Blocked Account**

<b>Age: 12</b>	<b>REBECCA KERR</b> , maternal aunt and Co-Guardian of the Person, was appointed Guardian of the Estate without bond on 11/12/15, with all funds to be deposited into a blocked account.  <b>Minute Order of 02/04/2016</b> set this Status Hearing regarding filing of the Receipt for Blocked Account. <b>Minute Order states:</b> Rebecca Kerr represents to the Court that no funds have been received at this time, and it was indicated to her that it would be another 45 days before they were released. Ms. Kerr further represents that she put \$5 of her own money into a blocked account just to open the account. A blank Receipt and Acknowledgment of Order for the Deposit of Money into a Blocked Account form is provided to her in open Court. The Order to Show cause is vacated.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. Need Receipt and Acknowledgment of Order for the Deposit of Money Into Blocked Account (MC-356) or written status report per Local Rule 7.5.
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
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<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
	<b>Reviewed by:</b> LV	
	<b>Reviewed on:</b> 04/05/2016	
	<b>Updates:</b>	
	<b>Recommendation:</b>	
	<b>File 8- Sanders</b>	

<b>DOD: 4/18/15</b>		<p><b>JOHN F. LUTZ</b>, Brother, was appointed Executor with Full IAEA without bond on 08/13/2015.</p> <p>Letters issued on 8/13/15.</p> <p><b>Minute Order 02/11/2016</b> set this Status Hearing for filing of the Inventory and Appraisal.</p> <p>Minute Order 02/11/2016 states the Order to Show Cause is vacated. No appearance is necessary at the status hearing if the Inventory and Appraisal is filed at least two court days prior.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p>1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.</p>
<b>Cont. from</b>			
<b>Aff.Sub.Wit.</b>			
<b>Verified</b>			
<b>Inventory</b>			
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<b>Status Rpt</b>			
<b>UCCJEA</b>			
<b>Citation</b>			
<b>FTB Notice</b>			
		<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 04/05/2016</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 9- Lutz</b></p>	

<b>DOD: 01/13/2015</b>	<b>KELLY HOOD</b> , daughter, was appointed Executor with full IAEA authority without bond on 11/05/2015.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		1. Need Inventory and Appraisal or current written status report pursuant to Local Rule 7.5 which states in all matters set for status hearing verified status reports must be filed no later than 10 days before the hearing. Status Reports must comply with the applicable code requirements. Notice of the status hearing, together with a copy of the Status Report shall be served on all necessary parties.
<b>Cont. from</b>	Letters issued on 11/05/2015	
<b>Aff.Sub.Wit.</b>	Minute Order of 11/05/2015 set this Status Hearing for Filing of the Inventory and Appraisal.	
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
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<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 04/05/2016
		<b>Updates:</b>
		<b>Recommendation:</b>
		File 10- Pillor

## Amended Petition for Appointment of Probate Conservator

		There is no temporary.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>MARIA DEL CARMEN HENGEL</b> , spouse, is petitioner.	<b>Continued from 1/28/16.</b> Minute order states Ms. Wright, court appointed counsel, requests a continuance to a date after Mr. Hengel's next appointment with a physician.
		Please see petition for details.	
<b>Cont. from 102215, 120315, 012816</b>		Court Investigator Report filed on 11/24/15	1. The signature of William Garnica, M.D. on the Capacity declaration was not dated.
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>	W/	
<input type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input checked="" type="checkbox"/>	<b>Pers.Serv.</b>		
<input checked="" type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input checked="" type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input checked="" type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
			<b>Reviewed by:</b> KT
			<b>Reviewed on:</b> 4/5/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 11 – Hengel</b>

Attorney Marcella E. Downing (for Executor Judith Jane Akins)

## Probate Status Hearing Re: Filing of the Inventory and Appraisal

<b>DOD: 7/15/2015</b>	<b>JUDITH JANE AKINS</b> , step-daughter, was appointed Executor with Full IAEA authority with bond of <b>\$125,000.00</b> on 11/5/2015.	<b>NEEDS/PROBLEMS/COMMENTS:</b>
<b>Cont. from</b>	<b>Proof of Bond in the sum of \$125,000.00</b> was filed on 11/18/2015.	
<b>Aff.Sub.Wit.</b>	<b>Letters issued on 11/19/2015.</b>	
<b>Verified</b>		
<b>Inventory</b>	<b>Pursuant to Probate Code § 8800(b)</b> , <i>Final Inventory and Appraisal</i> was due <b>3/19/2016</b> .	
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>	<b>Minute Order dated 11/5/2015</b> from the hearing on the petition for probate set the matter for a Status Hearing on 4/7/2016 for filing of the final inventory and appraisal.	
✓ <b>Aff.Mail</b>		
<b>Aff.Pub.</b>	<b>Partial No. 1 Inventory and Appraisal</b> was filed 3/8/2016 showing a value of <b>\$159,175.66</b> .	
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>	<b>Status Report filed by Attorney Marcella Downing on 3/28/2016 states:</b>	
<b>Conf. Screen</b>	<ul style="list-style-type: none"> <li>A <i>Notice of Proposed Action</i> regarding the sale of real property located on Elm Avenue in Fresno was filed on 3/8/2016; no objections were filed or served on the estate and the time to object has expired;</li> <li>Attorney Downing was in the process of preparing and filing a petition for instructions from the Court regarding the division of the funds into a testamentary trust per the <i>Judgment Settling the First and Final Account and Report of Executor, etc.</i>, for the Estate of Mary Josephine Rudolph (Decedent's deceased wife, Case 6002091) entered on 6/5/2010, when the Attorney reached an impasse with the client and is no longer able to represent her effectively;</li> <li>Attorney Downing was notified by Attorney <b>ROBERT KOLIGIAN</b> on 3/28/2016 that he is amenable to representing Petitioner, and he anticipates forwarding the Substitution of Attorney to her office after the Status Hearing set on 4/7/2016.</li> </ul>	
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
✓ <b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
		<b>Reviewed by: LEG</b>
		<b>Reviewed on:</b> 4/5/16
		<b>Updates:</b>
		<b>Recommendation:</b> <b>File 12- Rudolph</b>

Petitioner: Frank De Luca (pro per)

**Probate Status Hearing RE: Filing of the Inventory and Appraisal**

<b>DOD: 7/22/15</b>	<b>FRANK DE LUCA</b> , brother, was appointed Executor with limited IAEA and without bond on 11/19/15.  Letters issued on 11/19/15.  I & A, partial no. 1, filed 10/1/15 shows a value of 173,333.00.  I & A, final, filed on 3/10/16 shows a value of \$1,100.00.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b><u>OFF CALENDAR.</u></b> Inventory and Appraisal filed.
<b>Cont. from</b>		
<b>Aff.Sub.Wit.</b>		
<b>Verified</b>		
<b>Inventory</b>		
<b>PTC</b>		
<b>Not.Cred.</b>		
<b>Notice of Hrg</b>		
<b>Aff.Mail</b>		
<b>Aff.Pub.</b>		
<b>Sp.Ntc.</b>		
<b>Pers.Serv.</b>		
<b>Conf. Screen</b>		
<b>Letters</b>		
<b>Duties/Supp</b>		
<b>Objections</b>		
<b>Video Receipt</b>		
<b>CI Report</b>		
<b>9202</b>		
<b>Order</b>		
<b>Aff. Posting</b>		
<b>Status Rpt</b>		
<b>UCCJEA</b>		
<b>Citation</b>		
<b>FTB Notice</b>		
<b>Reviewed by:</b> KT		
<b>Reviewed on:</b> 4/5/16		
<b>Updates:</b>		
<b>Recommendation:</b>		
<b>File 13- De Luca</b>		

Attorney Leigh W. Burnside (Petitioner; and for Petitioners DeeAnn Doyle Summers and John Doyle)

Attorney Jeffrey A. Jaech (for Objector Christina Fishinghawk)

### Petition for Attorney's Fees and Costs

		<p><b>DEEANN DOYLE SUMMERS</b>, daughter, <b>JOHN DOYLE</b>, son, and <b>LEIGH W. BURNSIDE</b> on behalf of <b>DOWLING AARON</b>, are Petitioners.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Substitution of Attorney filed 4/6/2016 shows <b>CHRISTINA FISHINGHAWK</b>, daughter, formerly represented by Attorney LeVan, is currently represented by Attorney Jaech.</p> <p><b>Note:</b> File contains two alternative proposed orders: one order authorizes the payment of the attorney fees and costs and reimbursement from the Conservatorship Estate; the alternative order authorizes the payment from the Trustee of the A. James Doyle, Jr. Trust dated 4/19/2004, as amended.</p>
Cont. from		<p><b>Petitioners state:</b></p> <ul style="list-style-type: none"> <li><b>DEEANN DOYLE SUMMERS</b> and <b>JOHN DOYLE</b> petitioned for the appointment of the <b>PUBLIC GUARDIAN</b> as temporary and permanent Conservator of the Person and Estate of the Conservatee;</li> <li><b>DOWLING AARON</b> is the attorney who represented Ms. Summers and Mr. Doyle in petitioning the Court for appointment;</li> <li>As a result of the efforts of Petitioners, the <b>PUBLIC GUARDIAN</b> was appointed temporary Conservator and subsequently permanent Conservator of the Person and Estate of the Conservatee [on 12/17/2015], and is the duly appointed, qualified and acting Conservator of the Person and Estate of the Conservatee;</li> <li>In a related proceeding, <i>James Doyle, Jr. Trust</i>, Case 15CEPR01158, <b>MARION AUSTIN</b> of Central Valley Fiduciary Services was appointed sole successor Trustee of the Trust on 12/10/2015; Conservatee is the sole Settlor of the Trust;</li> <li>Petitioners sought the appointment of a successor trustee of the Trust after the acting co-trustees had resigned and there was no one in place to administer the Trust estate for the benefit of the Conservatee;</li> <li>Attorney has performed legal services on behalf of Petitioners Summers and Doyle from <b>3/4/2015 through 12/11/2015</b>; services are itemized by date in the <i>Declaration</i> of Ms. Burnside filed 2/24/2016, and include conferring with the clients and Public Guardian, investigating Conservatee's needs, review of Conservatee's estate plan, review and draft of documents, and court appearances;</li> </ul> <p align="center"><b>~Please see additional page~</b></p>	
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W /	
	Aff.Pub.		
	Sp.Ntc.		
	Pers.Serv.		
	Conf. Screen		
	Letters		
	Duties/Supp		
✓	Objections		
	Video Receipt		
	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
	Citation		
	FTB Notice		
			<p><b>Reviewed by:</b> LEG</p> <p><b>Reviewed on:</b> 4/5/16</p> <p><b>Updates:</b> 4/6/16</p> <p><b>Recommendation:</b></p> <p><b>File 14- Doyle</b></p>



**Petitioners request:**

- The Court award attorneys' fees to **DOWLING AARON** in the total amount of **\$8,222.00** for services rendered, consisting of **\$7,615.00** in attorneys' fees and **\$607.00** in costs (total fees of \$10,142.00, less the \$2,527.00 paid by Ms. Summers, noted below);
- The Court allow reimbursement to Ms. Summers for out-of-pocket costs related to this conservatorship proceeding, including attorney fees paid by Ms. Summers to **DOWLING AARON** of **\$2,527.00**, and **\$435.00** for filing fees, for a total of **\$2,962.00** as described in the *Declaration* of Ms. Summers filed 2/24/2016.

**Opposition to Petition for Attorney's Fees and Costs filed by CHRISTINA FISHINGHAWK, daughter, on 4/6/2016 states** she objects to Petitioners' *Petition for Attorney's Fees and Costs* based upon the following:

- Petitioners have requested payment from the Conservatee's estate for their attorneys' fees and costs "pursuant to Probate Code § 2642;" however, that section allows compensation for an attorney only for services rendered to the Conservator (section 2642(a));
- Specifically the statute provides that "an attorney who has rendered legal services to the guardian or conservator of the person or estate or both, including services rendered under section 2632, may petition the court for an order fixing and allowing compensation for such services rendered to that time;"
- The Public Guardian was requested by Petitioners and appointed by the Court to serve as temporary and general conservator for the Conservatee, A. James Doyle, Jr.;
- As Petitioners are not, and never have been, the conservator of the Conservatee's person or estate, the *Petition for Attorney's Fees and Costs* under Probate Code § 2642 is improper;
- Objector requests that this Court deny the Petitioners' *Petition for Attorney's Fees and Costs* in its entirety.

**Reply to Opposition to Petition for Attorney's Fees and Costs filed by DEEANN DOYLE SUMMERS and JOHN DOYLE on 4/6/2016 states:**

- The sum and substance of the filed Opposition to the requested payment of attorney's fees and costs to Dowling Aaron and reimbursement to Petitioner DeeAnn Doyle Summers for attorney's fees and costs that she paid directly to Dowling Aaron is that such request is brought pursuant to Probate Code section on 2642(a) and Dowling Aaron is not the attorney of record for the current acting Conservator, the Fresno County Public Guardian;
- Objector's opposition is misplaced and the Petition For Attorney's Fees and Cost should be granted as requested;
- As a result of the efforts of Petitioners, over an objection filed by Objector, the Fresno County Public Guardian was appointed temporary Conservator and subsequently the permanent Conservator of the Person and Estate of the Conservatee, and is the duly appointed, qualified and acting Conservator of the Person and Estate of the Conservatee;
- The Petitioners' success in this regard fulfills the public policy to safeguard the welfare and best interests of the Conservatee and is compensable under the law;
- Moreover, to deny to Petitioners the necessary attorney's fees and costs incurred in pursuing the successful appointment of a third party Conservator would have an undesired and chilling effect in the future of those individuals willing to pursue legal recourse for the protection of society's most vulnerable populations;

**~Please see additional page~**

**Reply filed by DEEANN DOYLE SUMMERS and JOHN DOYLE on 4/6/2016, continued:**

- Though Dowling Aaron was not retained by the Fresno County Public Guardian for the purpose of pursuing a petition for the appointment of a probate conservator, the case of *In Re Estate of Moore*, in construing the predecessor statute to Probate Code 2642(a) found that "the same procedure [for applying for fees pursuant to section 2642(a)] may be followed when the services have been indirectly rendered." (*In re Estate of Moore (1968) 258 Cal.App.2d 458, 464; emphasis supplied.*) That procedure has been followed by the Petitioners.
- Moreover, such fees would have been incurred by the Fresno County Counsel, had the petition been filed by the Fresno County Public Guardian, as it is requested to do regularly. In either respect, the Conservatee has reaped the benefit of having his interests safeguarded and protected by the establishment of a Conservatorship for his benefit, and compensation for such efforts incurred by Dowling Aaron is appropriate and warranted under the law.

**Petitioners respectfully request that the Court enter an Order granting the Petition for Attorney's Fees and Costs.**

Attorney Sablan, Stacy F. (for Guardian Rosalia Lanuza)

## Probate Status Hearing RE: Filing of the Inventory and Appraisal

		<b>ROSALIA LANUZA</b> , Mother, was appointed Guardian of the Estate on 1/7/16 with bond of \$23,833.34. Bond was filed and Letters issued 2/1/16.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>1. Need Inventory and Appraisal pursuant to Probate Code §2610 or written status report pursuant to Local Rule 7.5.</b>  <u><b>Note: Although the attorney provides a copy of the I&amp;A filed in the minor's father's estate, of which 1/3 was distributed to this minor, this is insufficient for this minor's guardianship estate. See Probate Code §2610. Inventory and Appraisal of this minor's guardianship estate is needed.</b></u>
Cont. from		At the hearing on 1/7/16, the Court set this status hearing for the filing of the Inventory and Appraisal.	
Aff.Sub.Wit.			
Verified		Declaration filed 4/5/16 provides a copy of the Inventory and Appraisal completed by Probate Referee Steven Diebert on 7/29/15 in connection with 15CEPR00803, Petitioner to Determine Succession. The estate of Erik Lanuza contains no additional real or personal property other than a 1/3 interest in the appraised property located at 2133 Zozaya Street in Firebaugh.	
Inventory			
PTC			
Not.Cred.			
Notice of Hrg			
Aff.Mail			
Aff.Pub.			
Sp.Ntc.			
Pers.Serv.			
Conf. Screen			
Letters			
Duties/Supp			
Objections			
Video Receipt			
CI Report			
9202			
Order			
Aff. Posting			
Status Rpt			
UCCJEA			
Citation			
FTB Notice			
			Reviewed by: skc
			Reviewed on: 4/5/16
			Updates: 4/5/16
			Recommendation:
			File 15- Lanuza

Petition for Appointment of Probate Conservator

		<b><u>NO TEMPORARY REQUESTED</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
		<b>JUANITA MORENO</b> , mother, is Petitioner.	1. Capacity declaration filed on 4/4/16 was completed by a Nurse Practitioner. Probate Code §1890 (c) requires the capacity declaration to be completed by a licensed physician or a licensed psychologist. Need capacity declaration that complies with Probate Code §1890 (c).
		Please see petition for details.	
<b>Cont. from 021116</b>		<b>Court Investigator filed a report on 02/05/16.</b>	
	<b>Aff.Sub.Wit.</b>		
✓	<b>Verified</b>		
	<b>Inventory</b>		
	<b>PTC</b>		
	<b>Not.Cred.</b>		
✓	<b>Notice of Hrg</b>		
✓	<b>Aff.Mail</b>	w/	
	<b>Aff.Pub.</b>		
	<b>Sp.Ntc.</b>		
✓	<b>Pers.Serv.</b>	w/	
✓	<b>Conf. Screen</b>		
✓	<b>Letters</b>		
✓	<b>Duties/Supp</b>		
	<b>Objections</b>		
	<b>Video Receipt</b>		
✓	<b>CI Report</b>		
	<b>9202</b>		
✓	<b>Order</b>		
	<b>Aff. Posting</b>		
	<b>Status Rpt</b>		
	<b>UCCJEA</b>		
✓	<b>Citation</b>		
	<b>FTB Notice</b>		
			<b>Reviewed by:</b> JF/KT
			<b>Reviewed on:</b> 4/5/16
			<b>Updates:</b>
			<b>Recommendation:</b>
			<b>File 16- Moreno</b>

Attorney

Amador, Catherine A. (for Petitioner Vanice J. Upton)

## Petition for Appointment of Probate Conservator of the Person and Estate

See petition for details.			NEEDS/PROBLEMS/ COMMENTS:
			Court Investigator advised rights on 2/16/15
Cont. from 022416			<p><u>Minute Order 2/24/16:</u> Ms. Amador requests continuance due to the Court Investigator being unable to contact Vanice Upton and also lack of a capacity declaration. The Court admonishes that it is Vanice Upton's responsibility to contact the Investigator and provide workable contact numbers. The Investigator is then ordered to interview at least Vanice Upton. The Court orders that the evaluation of Mary Economou be completed by a medical doctor who specializes in dementia, and that Counsel work together to find said MD and set up the appointment. The Court further orders that family members are allowed to call and/or visit Ms. Economou, with Ms. Economou deciding if she wants to speak with them or visit with them.</p> <p><u>SEE ADDITIONAL PAGES</u></p> <p>Reviewed by: skc</p> <p>Reviewed on: 4/5/16</p> <p>Updates:</p> <p>Recommendation:</p> <p>File 17- Economou</p>
	Aff.Sub.Wit.		
✓	Verified		
	Inventory		
	PTC		
	Not.Cred.		
✓	Notice of Hrg		
✓	Aff.Mail	W	
	Aff.Pub.		
	Sp.Ntc.		
✓	Pers.Serv.	W	
✓	Conf. Screen		
✓	Letters		
✓	Duties/Supp		
	Objections		
	Video Receipt	X	
✓	CI Report		
	9202		
✓	Order		
	Aff. Posting		
	Status Rpt		
	UCCJEA		
✓	Citation		
	FTB Notice		

Page 2 – NEEDS/PROBLEMS/COMMENTS: As of 4/5/16, nothing further has been filed to address the following issues:

1. Petitioner checked the box at #1k of the petition, but did not include the mandatory Judicial Council Form GC-313 Attachment Requesting Special Orders Re Dementia. Therefore, no attorney was appointed for the proposed Conservatee pursuant to Probate Code §2356.5(f), and service on the proposed Conservatee and relatives did not include this request, which specifies the powers requested.

Therefore, if dementia powers are requested, need mandatory form filed to specify the powers requested, need attorney appointed for the proposed conservatee, and need proper service of this request on the proposed Conservatee and all relatives.

2. Need capacity declaration in support of medical consent and dementia powers, if requested.
3. Petitioner states at Attachment 11 that she is seeing orders breaking the proposed conservatee's trust if this is necessary to allow the conservator of the estate to control and protect trust assets. However, the proposed conservatee's trust is not properly before the Court and cannot be addressed within conservatorship proceedings.
4. Need video receipt per Local Rule 7.15.8.A.
5. If granted, need bond of at least \$46,200.00. Note: Petitioner requests bond of \$70,500.00, but does not indicate what is included in this calculation. Need clarification. Are there additional personal property assets that are not listed at #3e of the petition?

Note: If granted, the Court will set status hearings for the filing of bond, Inventory and Appraisal, and first account. At this time, it does not appear the petition is in a condition to be granted; therefore, dates will be provided once the above issues are cured.

<b>DOD: 08/20/2014</b>		<b>LESLIE RAMOS</b> , daughter is petitioner and requests appointment as Administrator without bond.  All heirs waive bond  Full IAEA – o.k.  Decedent died intestate  Residence: Fresno Publication: The Business Journal  <u><b>Estimated value of the Estate:</b></u> Personal property - \$52,185.00  Probate Referee: Rick Smith	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <u><b>OFF CALENDAR.</b></u> <u><b>Order approving petition filed 03/28/2016.</b></u>  <b>Minute Order of 03/03/2016: Counsel will file a declaration regarding the Examiner's notes, after which the Court is ready to approve the matter. No appearance is necessary at the status hearings if the required documents are filed at least two court days prior.</b>  <del>1. #5a(7) or #5a(8) was not answered regarding issue of predeceased child. Filed 03/11/2016</del>  <b>Note: If the petition is granted status hearings will be set as follows:</b>  • <b>Thursday, 08/04/2016 at 9:00a.m. in Dept. 303</b> for the filing of the inventory and appraisal <u>and</u>  • <b>Thursday, 05/04/2017 at 9:00a.m. in Dept. 303</b> for the filing of the first account and final distribution.  Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.
<b>Cont. from 030316</b>			
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
<input checked="" type="checkbox"/>	<b>Verified</b>		
<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
<input type="checkbox"/>	<b>Not.Cred.</b>		
<input checked="" type="checkbox"/>	<b>Notice of Hrg</b>		
<input checked="" type="checkbox"/>	<b>Aff.Mail</b>		
<input checked="" type="checkbox"/>	<b>Aff.Pub.</b>		
<input type="checkbox"/>	<b>Sp.Ntc.</b>		
<input type="checkbox"/>	<b>Pers.Serv.</b>		
<input type="checkbox"/>	<b>Conf. Screen</b>		
<input checked="" type="checkbox"/>	<b>Letters</b>		
<input checked="" type="checkbox"/>	<b>Duties/Supp</b>		
<input type="checkbox"/>	<b>Objections</b>		
<input type="checkbox"/>	<b>Video Receipt</b>		
<input type="checkbox"/>	<b>CI Report</b>		
<input type="checkbox"/>	<b>9202</b>		
<input checked="" type="checkbox"/>	<b>Order</b>		
<input type="checkbox"/>	<b>Aff. Posting</b>		
<input type="checkbox"/>	<b>Status Rpt</b>		
<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
<b>Reviewed by: LV</b>			
<b>Reviewed on: 04/05/2016</b>			
<b>Updates:</b>			
<b>Recommendation:</b>			
<b>File 18- Green</b>			

Petitioner Smith, Chrishonda (Pro Per – Sister)

## Petition for Appointment of Guardian of the Person

Age: 9	<b><u>NO TEMPORARY REQUESTED</u></b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>
	CHRISHONDA SMITH, sister, is petitioner.	
	<b><u>Please see petition for details</u></b>	1. Need Notice of Hearing.
Cont. from		2. Need proof of personal service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for: <ul style="list-style-type: none"> <li>Father (Unknown) – Unless the Court dispenses with notice</li> </ul> <b>Note:</b> Declaration of Due Diligence filed 02/03/2016.
Aff.Sub.Wit.		3. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice for: <ul style="list-style-type: none"> <li>Paternal Grandparents (Unknown) - Unless the Court dispenses with notice</li> </ul> <b>Note:</b> Declaration of Due Diligence filed 02/03/2016.
✓ Verified		<ul style="list-style-type: none"> <li>Maternal Grandparents (Unknown) – Unless the Court dispenses with notice</li> </ul> <b>Note:</b> Declaration of Due Diligence filed 02/03/2016.
Inventory		
PTC		
Not.Cred.		
Notice of Hrg	X	
Aff.Mail	X	
Aff.Pub.		
Sp.Ntc.		
Pers.Serv.	X	
✓ Conf. Screen		
✓ Letters		
✓ Duties/Supp		
Objections		
Video Receipt		
✓ CI Report		
9202		
✓ Order		
Aff. Posting		
Status Rpt		
✓ UCCJEA		
Citation		
FTB Notice		
		<b>Reviewed by:</b> LV
		<b>Reviewed on:</b> 04/05/2016
		<b>Updates:</b>
		<b>Recommendation:</b>
		<b>File 19- Smith</b>



Petitioner Leggett, Judy K (Pro Per – Paternal Grandmother)

Petitioner Leggett, Fonzell (Pro Per – Paternal Step-Grandfather)

**Petition for Appointment of Guardian of the Person**

Jared, 18	<p><b><u>TEMPORARY AS TO JORDAN ONLY EXPIRES</u></b>  <b><u>04/07/16</u></b></p> <p><b>JUDY LEGGETT</b> and <b>FONZELL LEGGETT</b>,  paternal grandmother and step-  grandfather, are Petitioners.</p> <p><b><u>Please see petition for details</u></b></p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <p><b>Note:</b> Minor Jared Wells has reached the age of majority.</p> <p>1. Need proof of service fifteen (15) days prior to the hearing of the Notice of Hearing along with a copy of the Petition for Appointment of Guardian or consent and waiver of notice or declaration of due diligence for:</p> <ul style="list-style-type: none"> <li>Maternal Grandparents (Unknown)</li> </ul>
Jordan, 15		
Cont. from		
<input type="checkbox"/> Aff.Sub.Wit.		
<input checked="" type="checkbox"/> Verified		
<input type="checkbox"/> Inventory		
<input type="checkbox"/> PTC		
<input type="checkbox"/> Not.Cred.		
<input checked="" type="checkbox"/> Notice of Hrg		
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<input checked="" type="checkbox"/> Pers.Serv.		
<input checked="" type="checkbox"/> Conf. Screen		
<input checked="" type="checkbox"/> Letters		
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<input type="checkbox"/> Status Rpt		
<input checked="" type="checkbox"/> UCCJEA		
<input type="checkbox"/> Citation		
<input type="checkbox"/> FTB Notice		
		<p><b>Reviewed by:</b> LV</p> <p><b>Reviewed on:</b> 04/06/2016</p> <p><b>Updates:</b></p> <p><b>Recommendation:</b></p> <p><b>File 20- Wells</b></p>

Petitioner

Collins, Brandi Dawn (Pro Per – Maternal Grandmother – Petitioner)

Objector

Cerda, Jose Luis, Jr. (Pro Per – Father – Objector)

## Petition for Appointment of Guardian of the Person

		See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>Note:</b> See Minute Order of 2/16/16 re supervised visitation orders for the father.  1. Need Notice of Hearing.  2. Need proof of personal service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 on: - Jose Luis Cerda, Jr. (Father)  3. Need proof of service of Notice of Hearing with a copy of the petition at least 15 days prior to the hearing per Probate Code §1511 <u>or</u> consent and waiver of notice <u>or</u> declaration of due diligence on: - Jose Luis Cerda, Sr. (Paternal Grandfather) - Paternal Grandmother	
Cont. from				
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
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	Not.Cred.			
	Notice of Hrg			X
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	Pers.Serv.			X
✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
	Objections			
	Video Receipt			
✓	CI Report			
✓	Clearances			
✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
	FTB Notice			
			Reviewed by: skc	
			Reviewed on: 4/5/16	
			Updates:	
			Recommendation:	
			File 21- Cerda	

**Petition for Probate of Lost Will and for Letters of Administration with Will  
Annexed; Authorization to Administer Under the IAEA**

<b>DOD: 12/1/2006</b>		<b>BRITTANY PINSON</b> , granddaughter, requests appointment as administrator with will annexed without bond.  Other executors will not act due to death.  <b>Declaration filed 3/7/2015</b> states Attorney for Petitioner has exhausted all resources in attempting to locate the original Will of decedent. They were advised by their client that the original Will was not in the possession of decedent when she passed away, nor in possession of petitioner or any family member. Only a copy of the Will was in the possession of Decedent. The copy of the Will was stamped "Original of this document is on file in the office of Coleman & Coleman." Attorney checked with Fresno Superior Court, but original will was never lodged. The State Bar of California website indicates Doris Coleman is deceased. Attorney is unable to determine where their client files were transferred. Attorney also checked with law firm of Coleman & Horowitz to see if they had any information, but they advised that there is no relationship with Doris Coleman.  Full IAEA – o.k.  Lost will dated 2/24/1992  Residence: Fresno Publication: Business Journal  <b>Estimated value of Estate:</b> Personal property                   \$                   0.00 Annual gross income:           \$                   0.00 Real property:                   \$   170,000.00 <b>Total:                               \$   170,000.00</b>  <b>Probate Referee: Rick Smith</b>	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>CONTINUED FROM 3/17/2016</b>  <u>Note:</u> This is a request for probate of a lost will. Related case re: the Estate of Ruby Gibbs Pinson (15CEPR01215) is set for status hearings for 6/28/16 (filing of I&A) and 3/28/17 (filing of first account and petition for final distribution).  <u>Minute order dated 3/17/2016</u> states that counsel is still working on the lost will issue. As of 4/5/2016, no new documents have been filed.  1. Petition and declaration of the petitioner regarding the "lost" will does not rebut the presumption that the will was destroyed with the intent to revoke pursuant to Probate Code §6124. 2. Item 2b(1) of petition requests appointment of petitioner as executor without bond; how-ever, petitioner is not named as executor in will and this appears to be a petition for appointment as administrator with will annexed.  <b>See additional page.</b>
<b>Cont. from 031716</b>			
<input type="checkbox"/> <b>Aff.Sub.Wit.</b>	s/p		
<input checked="" type="checkbox"/> <b>Verified</b>			
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<input checked="" type="checkbox"/> <b>Notice of Hrg</b>			
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<input type="checkbox"/> <b>Sp.Ntc.</b>		<b>Reviewed by:</b> SEF <b>Reviewed on:</b> 4/5/2016 <b>Updates:</b> <b>Recommendation:</b> <b>File 22- Gibbs</b>	
<input type="checkbox"/> <b>Pers.Serv.</b>			
<input type="checkbox"/> <b>Conf. Screen</b>			
<input checked="" type="checkbox"/> <b>Letters</b>			
<input checked="" type="checkbox"/> <b>Duties/Supp</b>			
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<input type="checkbox"/> <b>CI Report</b>			
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<input type="checkbox"/> <b>Order</b>	X		
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<input type="checkbox"/> <b>UCCJEA</b>			
<input type="checkbox"/> <b>Citation</b>			
<input type="checkbox"/> <b>FTB Notice</b>			

**NEEDS/PROBLEMS/COMMENTS:**

3. Item 3d of petition states will waives bond; however, petitioner is not the named executor. Court may require bond pursuant to Probate Code 8481.
4. Order does not include the provisions of the will pursuant to Probate Code 8223. Need new order.

**Note:** If granted, the Court will set status hearings as follows:

- **Tuesday, September 6, 2016** for filing Inventory and Appraisal
- **Tuesday, June 6, 2017** for filing the first account or petition for final distribution

Pursuant to Local Rule 7.5 if the required documents are filed 10 days prior to the hearings on the matter the status hearing will come off calendar and no appearance will be required.

Petition to Determine Succession to Real Property

<b>DOD: 12/12/15</b>		<p><b>DARLENE MARMOLEJO CABRALLERO</b>, Daughter, is Petitioner.</p> <p>40 days since DOD</p> <p>No other proceedings (?)</p> <p>I&amp;A: \$115,000.00 (real property located at 4035 E. Raco in Fresno)</p> <p>Will dated 5/8/15 devises the residence to Petitioner and the remainder to the decedent's five children in equal shares.</p> <p>Petitioner requests Court determination that the real property passes to her 100% pursuant to the decedent's will.</p>	<p><b>NEEDS/PROBLEMS/COMMENTS:</b></p> <ol style="list-style-type: none"> <li>1. Need original will pursuant to Probate Code §8200.</li> <li>2. Petitioner checked <u>both</u> box 6a, that no proceeding for administration of the decedent's estate is being conducted, and box 6b, that the personal representative consents to use of this procedure, and also signed a consent as executor. However, it does not appear that Petitioner has been appointed as executor, or that probate administration has been opened. Therefore, need clarification.</li> <li>3. Attachment 11 does not state the decedent's interest in the real property. See #11 of the petition.</li> </ol>	
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>			s/p
<input checked="" type="checkbox"/>	<b>Verified</b>			
<input checked="" type="checkbox"/>	<b>Inventory</b>			
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<input type="checkbox"/>	<b>Letters</b>			
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<input type="checkbox"/>	<b>Citation</b>			
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<b>Reviewed by:</b> skc
<b>Reviewed on:</b> 4/5/16
<b>Updates:</b>
<b>Recommendation:</b>
<b>File 23- Marmolejo</b>

## Petition Letters of Special Administration

<b>DOD: 2/9/16</b>		<b>DANIEL I.S.J. REY-BEAR</b> , nephew, is petitioner and requests appointment as Special Administrator without bond.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  <b>As of 4/5/16 a general Petition for Probate has not been filed.</b>  <b>Note:</b> Petitioner is a resident of Washington State.
		Decedent died intestate.	
<b>Cont. from</b>		Residence: Fresno	<ol style="list-style-type: none"> <li>1. Need name and dates of death of the decedent's, spouse, parents and siblings. Local Rule 7.1.1D.</li> <li>2. #7 of the petition was not answered re: deceased spouse.</li> <li>3. Waivers of bond are not on the mandatory Judicial Council form (DE-142).</li> <li>4. Proposed personal representative is a resident of Washington. Probate Code 8571 states notwithstanding a waiver of bond, the court in its discretion may require a nonresident personal representative to give a bond in an amount determined by the court.</li> </ol>
<input type="checkbox"/>	<b>Aff.Sub.Wit.</b>		
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<input type="checkbox"/>	<b>Inventory</b>		
<input type="checkbox"/>	<b>PTC</b>		
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<input type="checkbox"/>	<b>UCCJEA</b>		
<input type="checkbox"/>	<b>Citation</b>		
<input type="checkbox"/>	<b>FTB Notice</b>		
		<b>Estimated Value of the Estate:</b> Personal property - \$ 700,000.00 Real property - \$ 300,000.00 <b>Total - \$1,000,000.00</b>	
		<b>Petitioner states:</b> <ol style="list-style-type: none"> <li>1. He has been told by bank representatives that the decedent had approximately 5 safe deposit boxes and no keys have been found.</li> <li>2. The State Controller's office has \$232,000 in unclaimed property believed to belong to the decedent.</li> <li>3. There are several uncashed checks that need to be cashed.</li> <li>4. No estate planning documents have been found but may be in the safe deposit boxes.</li> <li>5. There is a life insurance policy that will be payable to the estate.</li> <li>6. There are no family members living in the area that they are aware of and they need to be sure they have the Court's permission to be at the property and go through her belongings.</li> <li>7. There are several bank accounts and brokerage accounts that need a legal representative to deal and talk with said institutions.</li> <li>8. Need change of address to forward mail to the attorney's office.</li> </ol>	
		<b>Please see additional page</b>	
		<b>Reviewed by: KT</b>	
		<b>Reviewed on: 4/5/16</b>	
		<b>Updates:</b>	
		<b>Recommendation:</b>	
		<b>File 24- Lawson</b>	

**Petitioner requests the following powers:**

1. Authority to communicate and represent the estate with all financial institutions and governmental entities holding assets belonging to the decedent and make any and all necessary decisions to protect and manage the assets;
2. To take all necessary steps to protect, clean-up and get the house in a safe condition for sale;
3. Authority to hire or retain any attorneys, accountants or other professional advisors as deemed necessary by the special administrator;
4. Authority to file a change of address form with the United States Post Office to direct mail to Petitioner's attorney's address;
5. No request to list the property for sale at this time;
6. Any other powers deemed necessary by the Court until the filing of the regular petition for probate.

**Declaration of Attorney R. Frank Butler filed on 2/29/16** states Petitioner, Daniel I.S.J. Rey-Bear is a licensed attorney in the State of Washington and in the State of California and he clearly understands his duties and responsibilities as a personal representative under the State of California.

## Petition for Appointment of Temporary Guardian of the Person

			See petition for details.	<b>NEEDS/PROBLEMS/COMMENTS:</b>  1. If diligence is not found, need proof of personal service on Father pursuant to Probate Code §2250(e).
	Aff.Sub.Wit.			
✓	Verified			
	Inventory			
	PTC			
	Not.Cred.			
✓	Notice of Hrg			
✓	Aff.Mail	W		
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✓	Conf. Screen			
✓	Letters			
✓	Duties/Supp			
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✓	Order			
	Aff. Posting			
	Status Rpt			
✓	UCCJEA			
	Citation			
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			Reviewed by: skc	
			Reviewed on: 4/5/16	
			Updates:	
			Recommendation:	
			File 25- Villanueva	